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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

MEDESIMO TEMPO LLC, HOLLY JONES,
and HOLLY JONES HOMES, PLLC,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

**UNITED STATES' RESPONSE TO
PETITIONERS' MOTION TO
AUTHORIZE INTERPLEADING OR
DISTRIBUTION OF FUNDS**

Case No. 2:22-cv-00648-DBP

Chief Magistrate Judge Dustin B. Pead

Plaintiffs' counsel received a check in the amount of \$29,799.49 from Mountain America Credit Union (MACU), in response to a writ of garnishment Plaintiffs served on MACU. *See* Pls.' Mot., ECF No. 14, ¶¶ 1–4, 8. Plaintiffs served the writ of garnishment to collect attorney's fees and costs awarded in favor of Plaintiffs by the Third Judicial District Court for Tooele County. *Id.*, ¶¶ 1–2. The state court ordered that the fees be deposited with the court pending entry of a final order in the case. *Id.*, ¶¶ 9–10. The United States subsequently removed the case to this court. *Id.*, ¶ 11.

Plaintiffs have asked this court's authorization to either (1) negotiate the MACU check, or (2) deposit the funds with this court pending further order of the court. *Id.* at 4. The United

States does not oppose Plaintiffs' motion for authorization to deposit the funds with this court, consistent with the state court's order that the funds be held by the court pending a final order in the case. However, the United States does oppose Plaintiffs' alternative request to negotiate the MACU check immediately because this court should defer any further action with the MACU funds until the parties have had a chance to be heard on the propriety of such an order.

Dated this 25th day of November, 2022.

TRINA A. HIGGINS
United States Attorney

/s/ Amanda A. Berndt
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Assistant United States Attorney